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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA
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12 TYSON MARSHEK,
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14 Plaintiff,

15 v.
16 T-MOBILE USA, INC.,
17

18 Defendant.

19 CASE NO. 11-5476 RJB-JRC
20

21 ORDER ADOPTING REPORT AND
22 RECOMMENDATION
23

24 This matter comes before the Court on the Report and Recommendation of U.S.

25 Magistrate Judge J. Richard Creatura. Dkt. 10. The Court has considered the Report and
26 Recommendation, objections, if any, and the remaining record.

27 The Report and Recommendation (Dkt. 10), recommending dismissal of this case with
28 prejudice, should be adopted. The Report and Recommendation notes that Plaintiff filed a notice
29 of dismissal with prejudice (Dkt. 9). Although Plaintiff's copy of the Report and
30 Recommendation was returned to the Court as undeliverable by the U.S. Postal Service, the
31 Report and Recommendation's recommendations are consistent with Plaintiff's motion to
32 dismiss the matter with prejudice. Further, Defendant did not object.

1 It is hereby **ORDERED** that:

2 The Report and Recommendation (Dkt. 10) is **ADOPTED**; and

3 This case is **DISMISSED WITH PREJUDICE**.

4 The Clerk is directed to send uncertified copies of this Order to U.S. Magistrate Judge J.

5 Richard Creatura, all counsel of record, and to any party appearing *pro se* at said party's last
6 known address.

7 Dated this 31st day of October, 2011.

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10 ROBERT J. BRYAN
United States District Judge